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January 13, 2024

VIA ECF

Hon. Sidney H. Stein
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *United States v. Menendez, et al.*, S2 23 Cr. 490 (SHS)

Dear Judge Stein,

We represent Senator Robert Menendez in the above referenced case, and submit this letter to respectfully request a brief one-week extension of the defendants' deadline to file suppression motions. The government does not object to this request, so long as it receives a commensurate one-week extension on its opposition.

On behalf of Senator Menendez, we plan to file a number of motions (including motions to dismiss) on Monday, June 15, as ordered by the Court, and this extension request will not affect those other motions. We also anticipated filing a suppression motion on Monday. However, yesterday afternoon, the government produced over 700 pages of documents in response to our prior requests for FBI reports and other documents that we believe are critical to our suppression motion. More particularly, we requested that the government produce, among other things, FBI reports and other documents relating to a confidential source (the "CS") whose information was central to the issuance of search warrants in this case, as well as redacted FBI reports of witness statements the government disclosed in summary fashion as part of a *Brady* disclosure letter. After substantial back and forth during which the government objected to any obligation to produce these materials, the government relented and produced these materials yesterday afternoon, January 12, 2024.¹

Yesterday's production is substantial. It includes approximately 150 pages of dense FBI reports concerning the CS and another nearly 550 pages of additional FBI reports and other documents, many of which are highly relevant to the search warrants. Indeed, even from just our very brief review of some of these materials this morning, it is apparent that these materials are relevant to

¹ We made our request for redacted 302s instead of paraphrased *Brady* disclosures in our *Brady* demand letter of December 20, 2023. The government refused at first to comply. It took more than three weeks for the government ultimately to produce redacted FBI 302s of *Brady* witness statements, which comprise more than 200 pages of yesterday's production.

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our request for a *Franks* hearing, given the material misrepresentations and omissions we believe exist in the search warrant affidavits. Particularly with the other motions we plan to file on Monday, it is impossible for us to review this latest production and incorporate into our suppression motion on the current schedule. Indeed, this production in many respects will necessitate substantial modifications and additions to our suppression motion. We need an additional week to review this production and incorporate as needed into our suppression motion.

Accordingly, we respectfully request that Senator Menendez's deadline to file suppression motions be extended to January 22, 2024, the government's response be due on February 12, 2024, and any reply be filed on February 19, 2024. As stated, this request will not affect the schedule of any other motions in the case, nor should it effect the trial schedule. The government does not object to the requested extension.

Respectfully submitted,

/s/ Avi Weitzman

Avi Weitzman

Adam Fee